

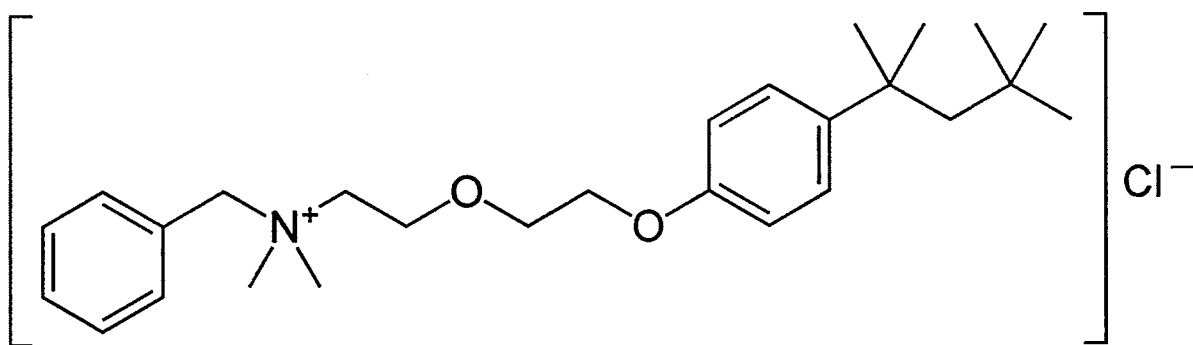
REMARKS

Applicant and Applicant's representative wishes to thank the Examiner for taking the time to discuss the outstanding issues raised in the Office Action issued September 17, 2009. As suggested by the Examiner, Applicants have amended the independent claims to remove the "providing" step. Claims 37-50 and 52-72 are pending, wherein claims 37, 71 and 72 have been amended.

As discussed during the Examiner Interview, the claims as previously presented defined methods that include combinations of elements that are neither taught nor suggested by the applied art. As further discussed, the inventive methods utilize highly penetrating compositions that can penetrate into disordered tissue and kill viruses, bacteria and/or fungus after only one or two applications and/or in an application process that can be completed in 2 minutes or less. *See* Application, page 45, lines 14-21 (describing two exemplary application processes: (i) a first exemplary process in which all the treatment composition is applied over a period of 30 seconds or longer and (ii) a second exemplary process in which half of the composition is applied in one application and the other half in a second application over a period of about 2 minutes).

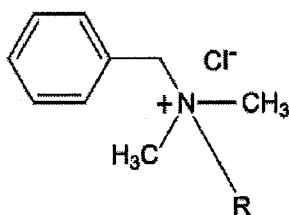
The ability to effectively kill viruses, bacteria and/or fungus and treat disordered tissue in only one or two applications is surprising, unexpected and unpredictable in view of the teaching in Beauchamp et al. (US 5,753,270) that the treatment compositions disclosed therein must be applied to herpes infections repeatedly and often over a long period of time each day and over multiple days to be effective. *See* col. 5, lines 55-65. At the very least, Beauchamp et al. teaches that the composition must be "applied twice a day for one day" (col. 6, lines 15-16) to be effective, thus teaching away from an application process that can be completed in 2 minutes or less (*e.g.*, as in claim 72) or an application process which is effective in killing viruses, bacteria or fungus after only "a single application" of the treatment composition (*e.g.*, as in claim 37).

As further discussed during the Examiner Interview, independent claim 71 recites the use of a subset of benzalkonium compounds that is neither taught nor suggested by Beauchamp et al. The benzalkonium compound used in each of the examples of Beauchamp et al. is "benzethonium chloride". As discussed during the Examiner Interview, the term "benzethonium chloride" is a well-known term in the art that refers to a compound having the following chemical structure:



The foregoing compound is clearly outside the scope of benzalkonium compounds recited in claim 71, which are defined as:

benzalkonium chloride having the following chemical structure:



wherein R is an alkyl group having 12, 14, 16, or 18 carbons.

Independent claim 71 therefore claims a method that utilizes a treatment composition that is neither taught nor suggested in the applied art.

In the event the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may be overcome by Examiner amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

Dated this 15th day of March 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JMG', is positioned above the printed name.

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